

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Upon entry of these amendment, claims 8-13, 15-18, 20 and 27-36 will be pending, wherein it is proposed to amend claims 8, 9, 11-13, 15, 17, 18, 20, 27-30 and 32, cancel 14 and 26, and add claims 33-36. Entry of these amendments is appropriate in the period after final rejection because, as discussed below, these amendments place the application in immediate condition for allowance.

Claims 8, 15-18, 20 and 26-32 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,949,375 to Ishiguro et al. (“Ishiguro”). This ground of rejection is respectfully traversed.

Applicant’s claim 1 is amended to include some of the elements of now canceled claim 26. Specifically, claim 1 now recites that “vehicle characterizing data that characterizes a particular vehicle type.” The rejection of claim 1 relies upon Ishiguro’s disclosure of the vehicle position obtained by a GPS receiver as corresponding to the “vehicle characterizing data” recited in Applicant’s claim 8. Vehicle position information obtained by a GPS receiver, however, does not “characterize a particular vehicle type.” Accordingly, Ishiguro does not anticipate claim 8.

Ishiguro does not anticipate Applicant's claim 16 because Ishiguro does not disclose that a microprocessor "causes said reader unit to read from said carrier only control unit data that are applicable to particular vehicle control units." The rejection of claim 16 relies upon the navigation apparatus of Ishiguro as corresponding to the control unit recited in Applicant's claim 16, and the navigation data stored on program storage device DK as corresponding to the control unit data of Applicant's claim 16. In contrast to Ishiguro, which discloses only a single navigation apparatus in a vehicle, Applicant's claim 16 recites reading control unit data "that are applicable to particular vehicle control units." Furthermore, Ishiguro does not disclose that the navigation data stored on the program storage device is applicable to vehicle control units other than the navigation apparatus. Accordingly, Ishiguro does not anticipate Applicant's claim 16.

Applicant's claim 30 is amended to recite that "the data carrier includes control unit data applicable to a plurality of control units that perform different vehicle-related control functions." As discussed above with regard to claim 16, Ishiguro does not disclose that program storage device DK includes control unit data applicable to a plurality of control units. Accordingly, for similar reasons to those discussed above with regard to claim 16, Ishiguro does not disclose that "the data carrier includes control unit data applicable to a plurality of control units that perform different vehicle-related control functions" as recited in claim 30.

Claims 15, 17, 18, 20, 26-29, 31 and 32 are patentably distinguishable over Ishiguro at least by virtue of their dependency from independent claims 8, 16 or 30.

For at least those reasons stated above, it is respectfully requested that the rejection of claims 8, 15-18, 20 and 26-32 as being anticipated by Ishiguro be withdrawn.

Claims 9-13 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Ishiguro and U.S. Patent Application Publication No. 2001/0051928 to Brody ("Brody"). This ground of rejection is respectfully traversed.

Claims 9-13 variously depend from claim 8. As discussed above, Ishiguro does not disclose all of the elements of Applicant's claim 8. It is respectfully submitted that Brody does not remedy the above-identified deficiencies of Ishiguro with respect to claim 8. Accordingly, the combination of Ishiguro and Brody cannot render claim 8, and in turn dependent claims 9-13, obvious. Therefore, the rejection of claims 9-13 for obviousness in view of the combination of Ishiguro and Brody be withdrawn.

New claims 33-36 are patentably distinguishable over the current grounds of rejection at least by virtue of their dependency from independent claims 8 or 16.

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If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 080437.53242US).

Respectfully submitted,

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